

March 7, 2022

SENT VIA EMAIL TO M. SCHULTE

Water Enforcement and Compliance Assurance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region 5
Attn: Matthew Schulte, ECW-15J
77 W. Jackson Boulevard
Chicago, IL 60604

***Re: Renergy's Response to US EPA's Follow-Up Request to Provide Information
Pursuant to the Clean Water Act Section 308 dated 1/6/2022***

Dear Mr. Schulte:

Renergy Inc. ("Renergy") hereby submits its response to US EPA's follow-up information request brought pursuant to its authority under Section 308(a) of the Clean Water Act ("CWA"), 33 U.S.C. § 1318(a).

Renergy submitted preliminary information to US EPA on July 8, 2021 that was not fully responsive to the initial information request. On August 23, 2021, Renergy submitted its response regarding US EPA's request to provide information pursuant to the CWA dated 6/8/2021. On January 6, 2022, US EPA requested additional information. The deadline for Renergy to respond to US EPA's request for additional information is March 7, 2022.

Renergy's narrative responses to US EPA's eleven (11) requests are as follows:

Request 1: Renergy's response indicates that the Steamtown facility is not currently covered under a National Pollutant Elimination System (NPDES) permit. Does Renergy have plans to acquire an NPDES permit for the Steamtown facility in the future?

Renergy's Response: No.

Request 2: Renergy responds to every item of request 2 with the following statement: "See the [Facility] diagrams in folder 'Request 2 – Facility Diagrams.'" While the diagrams provided do provide extensive details on many features of the sites, there are some features, such as access roads, that are not properly identified on the maps. Similarly, with the current response from Renergy, it is unclear what features exist and are not properly labelled, and which features do not exist. Please provide EPA with a narrative response clarifying existing facility features.

Renergy's Response: Renergy objects to this request as vague and unduly burdensome. The diagrams speak for themselves. Renergy does not understand what specific information EPA is seeking in response to the following sentence, "Similarly, with the current response from Renergy, it is unclear what features exist and are not properly labelled, and which features do not exist."

To the extent Renergy can respond, screenshots from Google Maps of the facilities have been uploaded to the data room. These maps include roads surrounding the facilities.

Request 3: Michael Oberfield is not listed as a contact for any facility. What is his position within Renergy?

Renergy's Response: Michael Oberfield has served as Renergy's CFO since 2015.

Request 4: The Excel Spreadsheets provided by Renergy contains several columns of data including "dosing" and "land application". Please clarify which of these columns correspond with amount received.

Renergy's Response: Dosing is the column that is indicative of material received.

Request 5: EPA continues to review information supplied by Renergy in response to request 5, but seeks the following additional information pertaining to Renergy's compliance with 40 C.F.R. § 503:

a. Identify the sources from which Renergy obtained biosolids, which it then introduced into its Dovetail, Emerald, or Steamtown facilities from 2017 to the present. For each source, identify: contact person, address, and amount of biosolids obtained from the source annually.

b. Provide the total volume, in metric tons, of biosolids from each of Renergy's Ohio facilities (Dovetail, Emerald, and Steamtown) that Renergy land applied in each of the following years: 2017, 2018, 2019, 2020, and 2021 to date.

c. Provide, for 2017 to the present, the frequency of monitoring conducted by Renergy, annually, of biosolids bound for land application from its Dovetail, Emerald, and Steamtown facilities for:

- i. arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc;***
- ii. pathogen density requirements set forth in 40 CFR 503.32; and***
- iii. vector attraction reduction requirements set forth in 40 CFR 503.33.***

d. For 2017 to the present, state whether Renergy has complied with the pollutant concentrations and loading rates set forth in 40 CFR 503.13, Tables 1, 2, 3, and 4. Provide documentation to support your response, including the pollutant concentration and loading rate results, and a narrative description of how loading rates were determined.

e. For 2017 to the present, state whether Renergy complied with the Class A or Class B pathogen requirements in 40 CFR 503.32. Provide documentation to support your response, including, if the requirements were met, a narrative description of how the requirements were met.

f. For 2017 to the present, state whether Renergy complied with the vector attraction reduction requirements in 40 CFR 503.33. Provide documentation to support your response, including, if the requirements were met, a narrative description of how the requirements were met.

Renergy's Response: Renergy objects to this request as overly burdensome and duplicative. The majority of this information was previously provided to US EPA on August 23, 2021. Renergy does not have the resources available to provide additional analysis of the previously provided information.

To the extent Renergy can respond to this request, it states the following:

- a. Renergy received biosolids from numerous municipal sources in the past but Renergy no longer accepts biosolids. Renergy previously accepted biosolids from: (1) Butler County Ohio, attention Mark Smith (513) 887-5573 (provided approximately 18,000 tons annually); (2) Greene County Ohio, attention Brandon Huddleston (937) 562-5002 (provided approximately 12,000 tons annually); (3) Delaware County Ohio, attention Tiffany Jenkins (740) 833-2240 (provided approximately 15,000 tons annually); (4) Delaware City Ohio, attention Blake Jordan (740) 203-1903 (provided approximately 12,000 tons annually); (5) Yellow Springs Village Ohio, attention Brad Ault (provided approximately 1,000 tons annually); and (6) Cardington Village Ohio, <http://www.cardington.org/> (provided approximately 1,000 tons annually).
- b. File uploaded to the data room.
- c. The frequency of monitoring is at least monthly as reported to Ohio EPA in the sludge reports. The requested available testing is located in the corresponding folder in the data room.
- d. Renergy believes that it is in compliance with the pollutant concentrations and loading rates set forth in 40 CFR 503.13. To the extent that this information was not previously provided to US EPA, Renergy requests guidance as to how it should prepare and present this information to US EPA.
- e. Renergy believes that it was in compliance with the Class B pathogen requirements in 40 CFR 503.32 when Renergy accepted biosolids at its facilities. As previously stated, Renergy no longer accepts biosolids. To the extent that this information was not previously provided to US EPA or in the "Regulatory Sheets.xlsx" document, Renergy requests guidance as to how it should prepare and present this information to US EPA.
- f. Renergy believes that it was in compliance with the vector attraction reduction requirements in 40 CFR 503.33 when it accepted biosolids at its facilities. To the extent that this information was not previously provided to US EPA, Renergy requests guidance as to how it should prepare and present this information to US EPA.

Requests 6 & 7: Under Part III, General Conditions, paragraphs 6 and 7, of Renergy's NPDES permits, Renergy facilities are required to document and maintain specific records for a period of at least 3 years, or 5 years for sewer sludge. Renergy's responses to requests 6 & 7 indicate that responsive records are not in Renergy's possession. Please clarify whether Renergy is generating and maintaining all required records. In addition, please provide EPA with a description of Renergy's record generation and retention procedures.

Renergy's Response: Renergy submits NPDES information electronically to Ohio EPA using the eDMR portal. Renergy believed that it would have the ability to download any and all information that it uploaded to the eDMR portal. The eDMR portal does not allow Renergy to download this information. Renergy became aware of this issue when it prepared its response dated 8/23/2021. The requested information remains in Ohio EPA's possession. Renergy is working to identify an outside resource to develop generation and retention procedures to ensure all necessary records are generated and maintained.

Request 8: Of the documents provided by Renergy in response to this request, pertaining to Notices of Violation (NOVs) issued by the Ohio Environmental Protection Agency (OEPA) to Renergy, only one document provided represents a written response made by Renergy. Several of the NOVs issued by OEPA required plan development and include various deadlines. Please supply all responses provided by Renergy to OEPA regarding any issued NOVs.

Renergy's Response: Renergy objects to this request as vague. Renergy does know what US EPA means by the following sentence, "Several of the NOVs issued by OEPA required plan development and include various deadlines." Please identify the NOV and plan required and Renergy will respond.

On February 25, 2022, Renergy received a Notice of Violation ("NOV") at the Emerald facility and at the Steamtown facility that are responsive to Request 8. The Emerald and Steamtown 2/25/2022 Ohio EPA NOVs were provided to US EPA via email.

Request 9: Information received from OEPA indicates that the calculation of 2,500 gallons of spilled material was performed by Renergy and provided to OEPA. Please provide the calculation methodology used by Renergy.

Renergy's Response: The calculation used by Renergy (our land application contractor Raw Handling, LLC more specifically) and Ohio EPA was the rate of pumping (gallons per minute) relative to the amount of time that material flowed between drag line checks in that section of hose.

Request 10: Does Renergy have a Stormwater Pollution Prevention Plan (SWPPP) in place for Steamtown? If so, please provide a copy to EPA.

Renergy's Response: Renergy was unable to locate a SWPPP for Steamtown.

Request 11: The Operations and Maintenance Plan provided by Renergy indicates that it pertains to both the Emerald and Dovetail Facilities. However, the plan contains specific

information, such as the size and measurements of the digesters. Do these measurements apply to both the Emerald and Dovetail Facilities? Is there an Operation and Maintenance Plan for Steamtown? Are copies of the Operations and Maintenance Plan(s) readily available for operators to view at any Renergy facility?

Renergy's Response: The measurements apply to both the Emerald and Dovetail facilities. Copies of the plans are readily available online to operators. There is not a formal operation and maintenance plan available for Steamtown.

Very truly yours,

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP



Reed W. Sirak

RWS:

CERTIFICATION

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

Michael Oberfield

W. Michael Oberfield

CFO, Renenergy, Inc.
March 7, 2022